

REMARKS

This amendment is in response to the Office Action dated October 5, 2007. Claim 8 is amended. Claims 1 - 14 are in the application upon entry of this amendment.

The objection regarding claim 8 is now moot in light of the foregoing amendment.

Applicant respectfully traverses the rejection of claims 1 – 5 and 13 under § 102(b) as being anticipated by Baker et al. (US 4,808,408) (“Baker”). None of the claims are anticipated by Baker for, at least, the following reason:

More specifically, the present invention relies on an aqueous continuous phase in which an agrochemical is either dissolved or dispersed. In addition, microcapsules are suspended in the aqueous continuous phase and these microcapsules contain within them a bioperformance-enhancing adjuvant. This is clear from claim 1.

Therefore in the present invention, the agrochemical is outside the microcapsules.

In contrast, in accordance with Baker, any agrochemical [e.g. insecticide, herbicide] is a core ingredient [i.e. inside the microcapsules] - see for instance column 2, lines 61-68, to which the Examiner refers in item 3.

Clearly, the disclosure of Baker, with any agrochemical inside the capsules, cannot anticipate the capsules of the present invention where the agrochemical resides outside the capsules. The Examiner is requested to reconsider and to withdraw the § 102(b) rejection of the claims.

Likewise, Applicant respectfully traverses the § 103 rejections of (1) claims 6 – 12 as being unpatentable over Baker in view of Wallach et al. (US 4,853,228); and (2) claim 14 as being unpatentable over Baker in view of Roberts (US 5,393,791).

More specifically, both obvious analyses are founded upon an erroneous starting point. As noted above, in the present invention, the agrochemical is outside the microcapsules, whereas Baker specifies that any agrochemical is a core ingredient. Accordingly, a modification of Baker in

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view of either Wallach et al. or Roberts as suggested by the Examiner would not result in the presently claimed invention. Reconsideration and withdrawal of the § 103 rejections are respectfully requested.

In view of the foregoing amendments and remarks, Applicant submits that the subject matter of the claims 1 – 14 is patentable and that such claims are in condition for allowance. Reconsideration and withdrawal of all rejections are respectfully requested, along with the issuance of a Notice of Allowance. Applicant invites the Examiner to telephone the undersigned attorney of record if the Examiner feels such a call would advance the prosecution of the above-identified application.

Respectfully submitted,

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